se through 10/31/02. OMB 0651-0031 Approved U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Please type a plus sign (+) inside this box → Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. 09/747,602 Application Number ANSMITTAL mber 22, 2000 Filing Date **First Named Inventor** Group Art Unit OFF MAR 04 **Examiner Name** III correspondence after initial filing) (to be used, Total Number Of Pages In This Submission Attorney Docket No. ENCLOSURES (check all that apply After Allowance Communication to Group Assignment Papers Fee Transmittal Form (for an Application) Appeal Communication to Board of Drawing(s) Appeals and Interferences Fee Attached Appeal Communication to Group Licensing-related Papers (Appeal Notice, Brief, Reply Brief) Amendment / Reply – 2 Pages Proprietary Information Petition After Final Petition to Convert to a Status Letter Affidavits/declarations Provisional Application Other Enclosure(s) (please identify below): **Declaration for Utility Patent** Prosecution by Assignee and Power Application (2 PAGES) of Attorney Extension of Time Request - 2 pages Return Receipt Postcard Terminal Disclaimer Express Abandonment Request Request for Refund CD. Number of CD(s) Information Disclosure Statement Remarks Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 C.F.R. 1.52 or 1.53

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Stephen C. Durant Firm Reg. No. 31,506 Morrison & Foerster LLP Individual Name 425 Market Street San Francisco, CA 94105-2482 Signature February 8, 2002 Date

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 2023), on February 8, 2002.

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DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: VIVA, the specification of which is the following box is checked: attached hereto unless the following box is checked:

was filed on December 22, 2000 as United States Application Serial No. or PCT X International Application No. 09/747,602.

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
			□Yes □No

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date		
60/258,112	December 22, 2000		

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status	Status	
		□Patented	□Pending	□Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

15 SANOZ

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